

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

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UNITED STATES OF AMERICA

v.

MATTHEW MARSH,

Defendant.

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Crim. No. 4:05-cr-40025-FDS

**PETITION FOR WRIT OF HABEAS CORPUS AD TESTIFICANDUM**

The United States of America, by and through its attorney, Michael J. Sullivan, United States Attorney for the District of Massachusetts, hereby respectfully requests that this Court issue a Writ of Habeas Corpus Ad Testificandum to MCI-Framingham, Western Avenue, P.O. Box 9007, Fitchburg, MA 01701-9007, for the purpose of securing **NYDIA BERNABEL, a/k/a “NONNI,” a/k/a “NANNI,”** at a Trial before United States District Judge F. Dennis Saylor, IV, on Monday, September 11, 2006 at 9:00 a.m. and upon such further days thereafter as her attendance before said Court shall be necessary. In support of this petition, the government states that:

1. **BERNABEL** is presently confined at MCI-Framingham and will be so confined on September 11, 2006.

2. **BERNABEL** is one of the government’s witnesses in its case-in-chief in the above-captioned case, which is currently scheduled to go to trial on September 11, 2006.

**WHEREFORE**, the government requests that this Court issue a Writ of Habeas Corpus Ad Testificandum to be directed to the United States Marshal for the District of Massachusetts, to the Warden of MCI-Framingham, and to any other person having custody and control of **NYDIA BERNABEL, a/k/a “NONNI,” a/k/a “NANNI,”** commanding them to produce

**NYDIA BERNABEL, a/k/a “NONNI,” a/k/a “NANNI,”** before United States District Judge F. Dennis Saylor IV at the United States Courthouse, 595 Main Street, Worcester, Massachusetts on Monday, September 11, 2006 at 9:00 p.m. and to retain the body of **NYDIA BERNABEL, a/k/a “NONNI,” a/k/a “NANNI,”** upon said day and upon such further days thereafter as her attendance before said Court shall be necessary.

A proposed Writ of Habeas Corpus Ad Testificandum is filed herewith.

Respectfully submitted,

MICHAEL J. SULLIVAN  
United States Attorney

By:

/s/ Lisa M. Asiaf  
Lisa M. Asiaf  
Assistant U.S. Attorney  
Tel: (617) 748-3268

**ALLOWED and SO ORDERED:**

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F. DENNIS SAYLOR IV  
UNITED STATES DISTRICT JUDGE  
DISTRICT OF MASSACHUSETTS

Dated: September \_\_, 2006

**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on August 24, 2006.

/s/ *Lisa M. Asiaf*

LISA M. ASIAF